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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MALEKK "X" SHABAZZ,  
TROLLERS T. FLEMING,

Case No. C09-5678RBL

Petitioner/Appellant/Defendant,

USCA No. 10-36020

v.

ORDER

PAT GLEBE , Superintendent,

Respondent/Appellee.

THIS MATTER comes on before the above-entitled Court upon Petitioner's Motion to Appoint Counsel [Dkt. #38]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

The record reflects that on September 16, 2010 this Court entered Judgment in favor of the Respondent. The Petitioner filed a Notice of Appeal and the instant motion to appoint counsel on November 1, 2010. The motion to appoint counsel is more properly before the United States Court of Appeals for the Ninth Circuit and will be **STRICKEN** from this Court's motions docket.

**IT IS SO ORDERED.**

The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing pro se.

Dated this 8<sup>th</sup> day of November, 2010.

Ronald B. Leighton  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE